

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

SUMERU HEALTH CARE GROUP, L.C.	)	
d/b/a THE CENTER FOR INTERNAL	)	
MEDICINE AND PEDIATRICS, INC.,	)	
Plaintiff,	)	
	)	
v.	)	No. 3:02-CV-447
	)	Judge Phillips
MICHAEL T. HUTCHENS, Individually and	)	
As Administrator of the Claiborne County	)	
Hospital, and CLAIBORNE COUNTY	)	
HOSPITAL,	)	
Defendants.	)	

**ORDER**

It appears to the court that this case should be **STAYED** pending the decision of the United States Court of Appeals, District of Columbia Circuit, in the matter of *Mohan Kutty v. United States Department of Labor, Administration, Wage and Hour Division, Employment Standards Administration Case ARB03-022 and ALJ01-LCA-101 through 01-LCA-025*. The decision in *Kutty* is determinative of the dispositive issue before the court in this case, whether plaintiff is precluded from presenting certain issues under the doctrine of issue preclusion/collateral estoppel.

The parties agree that as a matter of judicial economy, a stay of the proceedings in this case until a final judgment is entered in the Department of Labor proceedings is appropriate. Accordingly, plaintiff's motion to stay the proceedings and

continue the trial date [Doc. 56] is **GRANTED**. The trial currently scheduled to begin on **November 15, 2005** is **CANCELLED**, as well as the final pretrial conference scheduled on **November 9, 2005**. At such time as a decision is rendered in *Kutty*, the parties should contact Janet Jackson, Courtroom Deputy, to schedule a status conference.

Pending notification of the D.C. Circuit's decision in *Kutty*, this case will be **ADMINISTRATIVELY CLOSED** for statistical purposes. **This does not represent a final adjudication but is an administrative convenience for the court.** Nothing contained in this order shall be considered a dismissal or disposition of this matter, and at such time as further proceedings become necessary, the parties may initiate such in the same manner as if this order had not been entered.

IT IS SO ORDERED.

Enter:

s/ Thomas W. Phillips  
United States District Judge